

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1 and 9-16 are now present in the application. Claims 2-8 have been cancelled and re-introduced as claims 10-16 in an order as the Examiner requested. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

### **Claim Objections**

Claims 2-6 stand objected to due to the allegedly improper order of the claims.

In particular, the Examiner alleged that claims 7 and 8 should precede claims 2-6 according to MPEP §608.01(n), since claims 2-6 depend from 7 and 8, respectively. However, MPEP §608.01(n) further states:

During prosecution, the order of claims may change and be in conflict with the requirement that dependent claims refer to a preceding claim. Accordingly, the numbering of dependent claims and the numbers of preceding claims referred to in dependent claims should be carefully checked when claims are renumbered upon allowance. (Emphasis added).

In other words, this claim order requirement is only applied to the claims in a new application, and should not be applied during prosecution. Therefore, it is believed that it is not necessary to change the order of claims 2-6

Nonetheless, claims 2-8 have been canceled and re-introduced as claims 10-16 in an order as the Examiner requested. Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks, U.S. Patent Application Publication No. 2004/0259541, in view of Ahmad, U.S. Patent No. 7,113,799. Claims 2, 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Ahmad, and further in view of Tsirtsis, U.S. Patent No. 6,954,442, and Ohtani, U.S. Patent Application Publication No. US 2003/0157936. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Ahmad, Hamasaki, U.S. Patent Application Publication No. 2004/0137901, and Ohtani. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Ahmad, Bahl, U.S. Patent Application Publication No. 2003/0054818, Ohtani and Hamasaki. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Ahmad and Bahl. These rejections are respectfully traversed.

Independent claim 1 recites a combination of elements including “[a] wireless communications system comprising at least one wireless communication terminal and a wireless communication server, wherein the wireless communications system is able to be connected to at least two kinds of wireless communication networks simultaneously, two of the wireless communication networks are to work as a basic access network and a wireless access network, respectively; the basic access network is able to deal with data communications in addition to signaling communication, and the wireless access network deals with only data communications; and when the wireless communication terminal detects communication trouble in the wireless access network, to which the wireless communication terminal is currently connecting, the wireless communication terminal searches a new wireless communication network available, and

the wireless communication terminal temporary uses the currently-connecting basic access network for data communications in addition to signaling communication until the new wireless communication network is designated as a new wireless access network.”

Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

In particular, the Examiner has correctly acknowledged that Hicks fails to teach “the wireless access network deals with only data communications” as recited in claim 1. However, the Examiner turned to rely on Ahmad, and alleged that Ahmad’s teaching in col. 2, lines 17-33 can cure the deficiencies of Hicks. Applicants respectfully disagree.

More specifically, Ahmad in col. 2, lines 17-33 and col. 5, lines 4-12 discloses:

According to one aspect of the present invention, the BSC 108 generates a pseudo-page signal 140 that is transmitted over a communication link to ANC 124. The pseudo-page signal 140 is a signal that prompts the ANC to produce a response signal 144 that allows the BSC 108 to determine how to process a call if the HMS 120 is presently engaged in a data call.

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Accordingly, for the inventive system, if BS 212 determines that a call is being set up to a hybrid mobile station such as HMS 216, then BS 212 generates a pseudo-page signal 240 that is transmitted to ANC 224. The purpose of pseudo-page signal 240 is to determine whether HMS 216 is presently engaged within a data call with ANC 224. Accordingly, ANC 224 generates a pseudo-page response signal 244 to BS 212 to enable BS 212 to determine how to properly respond to the call setup request by MSC 220. (Emphasis added).

In other words, although the BSC 108/212 generates a pseudo-page signal 140/240 that is transmitted to the ANC 114/224, the ANC 114/224 also generates a response signal 144/244 to enable BSC 108/212 to determine how to properly respond to the call setup request by the MSC 104/220. Therefore, the ANC 114/224 (i.e., the wireless access network) of Ahmad deals with

not only data communications (e.g., the data call) but also signaling communications (e.g., receiving the pseudo-page signal 140/240 and generating a response signal 144/244 to enable BSC 108/212 to determine how to properly respond to the call setup request by the MSC 104/220). Therefore, Ahmad still fails to teach “the wireless access network deals with only data communications” as recited in claim 1.

In addition, Ahmad simply teaches the BSC 108/212 generates a pseudo-page signal 140/240 that is transmitted to the ANC 114/224, and the ANC 114/224 generates a response signal 144/244 to enable BSC 108/212 to determine how to properly respond to the call setup request by the MSC 104/220. However, Ahmad nowhere discloses how the ANC 114/224 handles the communications (data communications and/or signaling communications) for the data call when the HMS 120/216 is presently engaged in the data call within the wireless access network. In fact, since the BSC 108/212 cannot handle the data call from the HMS 120/216, if the HMS 120/216 is only within the wireless access network, the ANC 114/224 must handle both data communications and signaling communications in order to complete the data call through wireless access network.

Unlike Hicks and Ahmad, in the claimed invention, the wireless access network deals with only the data communications, not signaling communications. The signaling communications in the claimed invention is handled by the basic access network. Therefore, the combination of Hicks and Ahmad fails to teach “the wireless access network deals with only data communications” as recited in claim 1.

With regard to the Examiner's reliance on the secondary references, these references also fail to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, these references fail to cure the deficiencies of Hicks.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that claim 1 or its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

#### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

#### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Application No.: 10/579,732  
Amendment dated November 15, 2010  
Reply to Office Action of September 3, 2010

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In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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